

PATENT

Attorney Docket No. ROC920030367/US1 (IBM/289)

CERTIFICATE OF ELECTRONIC TRANSMISSION

Confirmation No. 6194

I hereby certify that this correspondence for Application No. 10/758,484 is being electronically transmitted to Technology Center 2186 via EFS-WEB, on September 23, 2008.

/Scott A. Stinebruner/
Scott A. Stinebruner, Reg. No. 38,323

September 23, 2008
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kevin Curtis Griffin et al.	Art Unit:	2186
Application No.:	10/758,484	Examiner:	Shane M. Thomas
Filed:	January 15, 2004		
For:	ASYNCHRONOUS HYBRID MIRRORING SYSTEM		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed **September 15, 2008** finally rejecting claims **1, 3, 4, 6-16, and 36**.

The item(s) checked below are appropriate:

1. Applicant hereby petitions for a month extension of time to reply to the final rejection.
 Check attached for the sum of \$.
 Please charge the sum of \$ to Credit Card per the attached Electronic Fee Sheet.
 Please apply extension of time fee to Deposit Account No. 23-3000.
2. X Appeal Fee: XXX Other than a small entity Fee: \$510.00
 Small Entity Status previously Requested and is still proper Fee: \$
 Small Entity Status Requested Fee: \$
3. X Payment: Check attached for the sum of \$.
XXX Please charge the sum of \$510.00 to Credit Card per the attached Electronic Fee Sheet.
 Please charge the sum of \$ to Deposit Account 23-3000.
4. X Fee Deficiencies: If any other fees or extension of time is needed to complete this transaction or if a credit is due, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

Wood, Herron & Evans LLP
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234

By: /Scott A. Stinebruner/
Scott A. Stinebruner
Reg. No. 38,323

Date: September 23, 2008